



## Legislation Details (With Board Report)

**File #:** RES 22-060      **Name:** EHB - Article I.E. Master Fee Schedule for FY 2022-23  
**Type:** BoS Resolution      **Status:** Passed  
**File created:** 2/24/2022      **In control:** Board of Supervisors  
**On agenda:** 3/8/2022      **Final action:** 3/8/2022

**Title:** Adopt a Resolution to:  
Amend Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2022, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Resolution, 3. Redlined Article IE Master Fee Schedule for FY 2022-23, 4. Completed Board Order Item No. 28, 5. Completed Resolution Item No. 28

Date	Ver.	Action By	Action	Result
3/8/2022	1	Board of Supervisors	adopted	Pass

Adopt a Resolution to:  
Amend Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2022, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau.

**RECOMMENDATION:**

It is recommended that the Board of Supervisors Adopt a Resolution to:  
Amend Article I.E. of the Monterey County Master Fee Resolution effective July 1, 2022, to adjust fees relating to oversight and services provided by the Health Department's Environmental Health Bureau.

**SUMMARY:**

The Health Department's Environmental Health Bureau (EHB) is requesting approval of a proposed 2.5% increase to EHB fees, as set forth in Article I.E. of the Monterey County Fee resolution, effective July 1, 2022.

**DISCUSSION:**

The fee increase is proposed to reflect more closely, while still not exceeding, the actual and reasonable costs of services and benefits provided to the public by the EHB. Adoption of the proposed fees will contribute to the self-sufficiency of the programs within the Environmental Health Bureau; however, the fee increase will not fully cover cost of services and benefits and may still result in the need for additional future General Fund Contributions for those services to remain at Fiscal Year (FY) 2021-22 staffing levels.

The EHB requests approval for a 2.5% fee increase effective July 1, 2022 to contribute to meeting its Fiscal Year 2022-23 Requested Budget.

Additional costs and expenses, including but not limited to cumulative across the board employee salary cost of living adjustments (10.5%), COWCAP/Indirect Costs (35%), and salary adjustments (11% based on market), corroborates this request for a 2.5% increase, as the current fee adjustment requested herein only continues to partially recapture the true current cost of services.

Also, of note is the ongoing educational and regulatory requirements necessary to ensure that the public is protected during the COVID-19 pandemic with regard to food facilities and businesses impacted by the pandemic. In addition to conducting routine facility inspections, Environmental Health staff have consistently provided additional education to permit holders regarding the use of personal protection equipment (PPE), hand washing and indoor/outdoor dining requirements since the inception of the Shelter In Place Order, and staff have visited facilities multiple times throughout the year to ensure the public's safety and protection. Permit holders have been provided payment options for permit fees to allow these businesses to continue to operate during this unprecedented time.

Environmental Health is also charged with the regulation of cannabis businesses, which requires more time and effort operationally and administratively to address the specific environmental and public health issues, both known and unknown, related to specific categories. Cannabis related fees were initially introduced and included in the Article I.E. Master Fee Schedule effective FY 2018-19. These fees are also subject to the requested 2.5% increase.

The Drinking Water/Wells program includes an increase in fees for well construction permit applications requiring review by the Housing and Community Development Department for compliance with the California Environmental Quality Act (CEQA).

The Environmental Health Review Services program (EHRS) reviews land use projects and building permits and inspects and approves Onsite Wastewater Treatment Systems (OWTS or septic system permit applications). An increase in fees for the EHRS program is not requested at this time however, at some future point, these fees, as well as an attempt to recapture additional costs that have been added to the fully loaded costs of services, will be brought back to the Board for consideration.

By definition, the changes to these charges are not a "tax" and are exempt from voter approval pursuant to Article XIII C section 1(e)(1)-(3) and (5) of the California Constitution (Prop. 26; charges imposed for specific benefit conferred/privilege/service or product, reasonable regulatory costs provided or granted to the payor, and/or fines and/or penalties). As such, they reflect no more than the actual cost of the service/benefit received by the payor.

The proposed fee adjustments are attached as follows: Attachment 1 - Redlined Article I.E. Fee Schedule for Fiscal Year 2022-23 and Attachment 2 - Board Resolution with Article I.E. Fee Schedule for Fiscal Year 2022-23.

This work supports the Monterey County Health Department 2018-2022 Strategic Plan Initiative: 2. Enhance community health and safety through prevention; and 4. Engage MCHD workforce and improve operational functions to meet current and developing population health needs. It also supports three of the ten essential public health services, specifically; 2. Diagnose and investigate health problems and health hazards in the community; 3. Inform, educate, and empower people about health issues; and 6. Enforce laws and regulations that protect health and ensure safety.

#### OTHER AGENCY INVOLVEMENT:

The office of the County Counsel has reviewed, and approved as to legal form, the proposed amendment to Article I.E. of the Monterey County Master Fee Resolution.

#### FINANCING:

The recommended fee adjustments are intended to improve on the recapture of a portion of the costs associated with the provision of the indicated services, and do not exceed actual costs for providing these services. As

such, the fees represent a charge imposed for the specific regulatory service provided directly to the payor that is not provided to those not charged, and which does not exceed the reasonable costs to the County for providing the regulatory service. Anticipated revenues resulting from the proposed fee adjustments are included in the Fiscal Year (FY) 2022-23 Requested Budget (001-4000-HEA005). This action will have no immediate impact on the General Fund Contributions for these services.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

Economic Development:

- Through collaboration, strengthen economic development to ensure a diversified and healthy economy.

Administration:

- Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.

Health & Human Services:

- Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for healthy choices and healthy environments in collaboration with communities.

Infrastructure:

- Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.

Public Safety:

- Create a safe environment for people to achieve their potential, leading businesses and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by: Robin Kimball, Management Analyst II, 796-1297

Approved by:

Date: \_\_\_\_\_

Elsa Mendoza Jimenez, Director of Health, 755-4526

Attachments:

Resolution

Redlined Article I.E. Master Fee Schedule for Fiscal Year 2022-23